

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

MELVIN D. BRYANT, JR.,)
Petitioner,)
v.) Case No. CV411-006
WARDEN DAN FORTH,)
Respondent.)

O R D E R

Melvin D. Bryant, Jr. is currently confined in Valdosta State Prison in Valdosta, Georgia. (Doc. 1.) He has filed a habeas petition attacking a 2010 conviction in the Superior Court of Oglethorpe County, Georgia. (*Id.*)

Federal law permits a state prisoner's habeas petition to be filed in the district within which the prisoner was convicted or in the district within which he is confined. 28 U.S.C. § 2241(d). Bryant is not confined in this District nor was he convicted here. Both Valdosta and Oglethorpe County are within the jurisdiction of the United States District Court for the Middle District of Georgia. 28 U.S.C. § 90(b)(1) (Oglethorpe County

lies within the Athens Division of the Middle District); 28 U.S.C. § 90(b)(6) (Valdosta has its own division). Since Bryant's case has no connection to this District whatsoever, his case should be transferred to the United States District Court for the Middle District of Georgia. *See* 28 U.S.C. § 1406(a) (permitting a district court to transfer a case "laying venue in the wrong division" to "any district or division in which it could have been brought.").

The underlying criminal case arose in the Middle District of Georgia, where Bryant is currently confined.¹ Accordingly, the Clerk is DIRECTED to transfer this case to the United States District Court for the Middle District of Georgia for all further proceedings.

SO ORDERED this 26th day of January, 2011.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT of GEORGIA

¹ It is the long-standing policy and practice in the United States District Courts in this Circuit to cause all such petitions to be filed in or transferred to the district within which the state prisoner was convicted. *Mitchell v. Henderson*, 432 F.2d 435, 436 (5th Cir. 1970). This practice fosters an equitable distribution of habeas cases between the districts of this state.